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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/748,069 | 12/22/2000 | Marcus O'Sullivan | 12658SSUS01U | 3235 |
| 7590 | 08/24/2004 | | EXAMINER VANDERPUYE, KENNETH N | |
| Bruce E. Garlick Garlick & Harrison P.O.Box 691 Spicewood, TX 78669-0691 | | | ART UNIT 2661 | PAPER NUMBER 6 |

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,069

Applicant(s)

O'SULLIVAN ET AL.

Examiner

Kenneth N Vanderpuye

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-33 is/are allowed.
- 6) ☒ Claim(s) 1-11, 19-28 and 34-37 is/are rejected.
- 7) ☒ Claim(s) 12-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 19-20, 24, 34-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews et al(5,848,143).

With regards to claim 1, Andrews teaches a network spanning heterogeneous call center controller(Fig. 9@30A, primary central controller) for use with a circuit switched private branch exchange(Fig. 9, buses leading from the controller to the public network is considered a PBX) and a packet switched private branch exchange(Fig. 9, buses leading from the controller to the internet is considered a PBX), the network spanning heterogeneous call center controller comprising:

a circuit switched PBX interface to communicate with the circuit switched PBX(interface to the central controller inherent), a packet switched PBX interface to communicate with the packet switched

PBX(interface to the central controller inherent); and a processor communicatively coupled to the circuit switched PBX interface and to the packet switched PBX interface(Fig. 9, primary central controller is a processor).

Claim 2 is rejected because in Andrews the controller sends messages via the interfaces over the buses identified as PBXs in claim 1.

Claim 3 is rejected because in Andrews, the central controller uses the buses to direct calls from the public networks to the Agent system(Fig. 9).

Claim 4 is rejected because the Agent system in Andrews is connected to the central controller via the buses identified by the examiner as constituting the circuit switched PBX.

Claim 5-6 are rejected for the same reasons as claims 3-4 because the central controller uses buses to direct calls received over the internet to the agent system.

Claims 7-8 are rejected because these features are inherently performed by an automatic call distribution system, i.e. the central controller in Andrews.

Claim 10 is rejected because in Andrews the circuit switched call is transmitted over a PSTN by a long distance carrier(Fig. 9).

Claim 11 is rejected because Andrews teaches a network management interface(Fig. 9@32A).

With regards to claims 19-20, Andrews teaches a method comprising: Receiving an indication that a circuit switched call has been received by the coupled circuit switched PBX(Call request); and communicating an instruction message to transfer the call to an agent terminal coupled to the circuit switched PBX(col. 5 lines 41-58).

Claim 24 is rejected for the same reasons as claim 19 because Andrews receives call requests from the internet.

With regards to claims 34-37, Andrews teaches a method comprising: receiving a circuit switched call event from the circuit switched PBX(Fig. 9, central controller receiving a call request from a caller on the PSTN), receiving an internet protocol call from the packet switched PBX(central controller receiving a call request from a caller on the Internet),; and processing the circuit switched call event and the internet protocol call event responsive to the circuit switched PBX and the packet switched

PBX.(Central controller performs routing function by directing call to Agent system)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 21-23, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al.

With regards to claim 9, it is well known in the art that callers placed on hold listen to music or a statement informing the caller that someone will be with them shortly. It would have been obvious to one of ordinary skill in the art to combine this well known art with Andrews for the purpose of playing music while the caller is on hold. The motivation is to encourage the caller to stay on hold.

Claims 21-23 are rejected because placing calls into a call queue prior to transfer to an agent and storing a call record are well known procedures in a call center. The purpose being to route calls on a first come first serve basis or to identify the agent to assign the call to based on skill

set of the agent. It would have been obvious to one of ordinary skill to combine this well known art with Andrews for the purpose of queueing calls prior to routing.

Claims 25-27 are rejected because it is well known that the internet supports data as well as voice services. Hence it would have been obvious to one of ordinary skill in the art that such services such as VOIP can be supported by the system in Andrews to a caller.

Allowable Subject Matter

Claims 29-33 are allowed.

Claims 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth N Vanderpuye whose telephone number is 703-308-7828. The examiner can normally be reached on M-F(7:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on 703-305-4703. The

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KNV
8/22/04



KENNETH VANDERPUYE
PRIMARY EXAMINER